



JEFF ATWATER
President of the Senate

THE FLORIDA LEGISLATURE

OFFICE OF LEGISLATIVE SERVICES



LARRY CRETUL
*Speaker of the
House of Representatives*

LOBBYIST REGISTRATION OPINION 10-01

TO: Thomas J. Harrington, Tobacco Prevention Network of Florida

FROM: Christiana T. Moore, General Counsel, Office of Legislative Services *CTM*

DATE: October 19, 2010

SUBJECT: Lobbyist Registration Requirements

This is in response to your request for an informal opinion on whether you or Dr. Barry Hummel is required to register as a legislative lobbyist. You have stated that you are President of Tobacco Prevention Network of Florida (TPNF), a Florida nonprofit corporation. Dr. Hummel is TPNF's Secretary and Treasurer. The purpose of TPNF, as stated in its bylaws, "is to coordinate local tobacco control efforts, to make the general public and policy makers aware of these efforts, and to encourage lawmakers and candidates to support laws and policies that will make tobacco control a priority in the State of Florida." In the coming year, you and Dr. Hummel will be involved with efforts regarding tobacco prevention funding and educating legislators and their aides on issues of tobacco prevention, some of which may involve specific legislation. You state that neither you nor Dr. Hummel is currently receiving compensation for your efforts on behalf of TPNF and that the only payment you might receive through the 2011 session would be for travel.

Section 11.045, Florida Statutes, and Section 1.1(1) of Joint Rule One, Joint Rules of the Florida Legislature, require lobbyists who lobby the Legislature to register for each principal represented. Section 1.1(2)(f) of Joint Rule One defines "lobbyist," in pertinent part:

"Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a "lobbyist" unless the employee is principally employed for governmental affairs. "Principally

employed for governmental affairs" means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government.

"Payment" is defined by Section 1.1(2)(g) of Joint Rule One:

"Payment" or "salary" means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

Based upon the facts you have presented, it is my opinion that neither you nor Dr. Hummel is required by Florida law to register as a legislative lobbyist for TPNF. You do not receive compensation for your services to TPNF, and reimbursement for travel expenses, should you receive such reimbursement, does not constitute a payment or salary for purposes of being a lobbyist. Section 1.1(2)(g), Joint Rule One, Joint Rules of the Florida Legislature.

CTM:cle